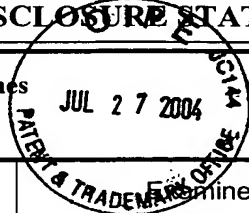


37W

**STATEMENT UNDER 37 CFR 1.97(e) ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT**

Docket No.  
**508.1.015-016**

In Re. Application Of: **David C. Holmes**



Application No. <b>10/697,852</b>	Filing Date <b>October 30, 2003</b>	Examiner <b>Unknown</b>	Customer No. <b>Unknown</b>	Group Art Unit <b>3736</b>	Confirmation No. <b>9766</b>
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Invention:

**APPARATUS AND METHOD FOR MEASURING INSTABILITY OF A MOTION SEGMENT UNIT OF A SPINE**

COMMISSIONER FOR PATENTS:

This is a statement under the provisions of 37 CFR 1.97(e) in the above-identified application.


Check applicable statement herebelow:

Statement Under 37 CFR 1.97(e)(1)

- ☒ Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

Statement Under 37 CFR 1.97(e)(2)

- ☐ No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

  
Signature

**Allen R. Kipnes, Esq.**  
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Dated: **July 22, 2004**

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**Jill S. Garretson**

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# INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Docket Number (Optional)

508.1.015-016

Application Number

10/697,852

Applicant(s)

David C. Holmes

Filing Date

October 30, 2003

Group Art Unit

3736

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,935,151	08/10/1999	Bruce G. Broughton et al.			
		5,776,054	07/07/1998	Dilip Bobra			
		4,899,761	02/13/1990	Mark D. Brown et al.			
		3,750,652	08/07/1973	John M. Sherwin			

## U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

## FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

## OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.